

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

)
CHAD BARRY BARNES,)
)
)
Plaintiff,)
)
v.) Civ. No. 13-00002 ACK-RLP
)
)
SEA HAWAII RAFTING, LLC,)
KRIS HENRY, M/V TEHANI,)
et al.)
)
Defendants.)
)

ORDER AUTHORIZING ISSUANCE OF WARRANT FOR MARITIME ARREST

Upon reviewing the Second Amended Complaint, Errata Second Amended Complaint, and supporting papers,¹ and good cause appearing therefor, it is hereby:

ORDERED that the Clerk issue a warrant of arrest pursuant to Supplemental Admiralty and Maritime Claims Rule C of the Federal Rules of Civil Procedure; and it is further

ORDERED that any person claiming an interest in the property arrested pursuant to said order shall, upon a showing of any improper practice or a manifest want of equity on the part of Plaintiff, be entitled to an order requiring Plaintiff

¹ The Court has also reviewed the Ninth Circuit's decision in *Barnes v. Sea Hawaii Rafting, LLC*, 889 F.3d 517 (9th Cir. 2018). The Ninth Circuit in *Barnes* stated that this Court "did not lose in rem jurisdiction while the Tehani remained in its constructive custody. And the court's control over the vessel, once obtained, was exclusive." 889 F.3d at 524.

to show cause forthwith why the arrest should not be vacated or other relief granted; and it is further

ORDERED that a copy of this Order be attached and served with the said warrant of arrest.

DATED: Honolulu, Hawaii, August 1, 2018.



Alan C. Kay

Alan C. Kay
Sr. United States District Judge

Barnes v. Sea Hawaii Rafting, LLC, Kris Henry, M/V Tehani, et al., Civ. No. 13-00002 ACK-RLP, Order Authorizing Issuance of Warrant for Maritime Arrest.